

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**CENTRAL LABORERS' PENSION,
WELFARE AND ANNUITY FUNDS,**

Plaintiffs,

v.

TAXMAN RETAINING WALLS, INC.,

Defendant.

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Civil No. **04-417-DRH**

ORDER

PROUD, Magistrate Judge:

This matter came before the court for an evidentiary hearing on plaintiff's Motion to Enforce Settlement Agreement. (**Doc. 24**).

The motion to enforce was referred to the undersigned for an evidentiary hearing and report and recommendation. **See, Doc. 26.** Pursuant to the referral, a notice was sent to counsel of record on September 18, 2006, setting the hearing for October 18, 2006, at 9:30 a.m. The notice was delivered via the court's electronic filing system to counsel of record for both plaintiff and defendant. **Doc. 27.**

Plaintiff's counsel and Danny J. Koeppel, Director of Employee Contributions of the plaintiff funds, appeared for the hearing. Although the court waited for 70 minutes, there was no appearance on behalf of defendant.

The court notes that defendant has not filed a response to the motion to enforce.

IT IS HEREBY ORDERED that defendant's counsel of record, David M. Stolze, and defendant Taxman Retaining Walls, Inc., shall appear before the undersigned on **November 22,**

2006, at 9:00 a.m. and show cause why they should not be held in contempt and sanctioned for their failure to appear for the evidentiary hearing on October 18, 2006.

In addition, defendant's counsel and defendant are ordered to bring with them and produce on **November 22, 2006, at 9:00 a.m.** the materials specified in paragraph 7 of the affidavit of Linda Sidwell, **Doc. 28**.

IT IS SO ORDERED.

DATE: October 19, 2006.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE